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PTO/58/97 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
Approx 10

Application Number: 09/557,149

Filing Date: 4/25/2000

Certificate of Transmission under 37 CFR 1.8

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07/12/2005

Date

JUL 1 9 2005

CFFICE OF PETITIONS

Signature Signature

Laurie Morgan

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1. Fee Transmittal
- 2. Petiton Under 37 CFR 1.181 or 1.812

Total pages including cover sheet: 23

M\$1-1074USC3 (571) 273-8300

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P10/56/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL	Filing Date	4/25/2000			
For FY 2005	First Named Inventor	Steven J. Yohanan	JUI - 1 0 00		
	Examiner Name	STEVEN PAUL SAX	1 9 2015		
Applicant claims small entity status. See 37 CFR 1,27	Art Unit	2174 CF F	ICF OF DES		
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METHOD OF PAYMENT (check all that apply)					
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FEE CALCULATION					
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2 ADDI ICATION SIZE EEE		•			
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SUBMITTED BY	Designation No.	Yalankar-			
Signature 1	Registration No. 429 (Attorney/Agent)		509) 324-9256		
Name (Print/Type) Brian J. Pangrie		Date 7-	-12-05		

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This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 1 2 2005

Application Serial No	US PAIL OF AF	09/557 149
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Attorney's Docket No.		.MS1-1074USC3
Title: Graphical Method and System	for Accessing Information on	8
Title: Graphical Method and System	1 for Accessing Information on	•
Communications Network		

PETITION UNDER 37 CFR 1.181 OR 1.812

REQUESTING PROPER FILING DATE FOR CORRESPONDANCE

SENT MAY 17, 2005 VIA USPS EXPRESS MAIL:

TO REOPEN PROSECUTION IN RESPONSE TO

BPAI DECISION UNDER 37 CFR §41.50(b) OF MARCH 17, 2005 CEIVED

To:

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MAIL STOP: PETITIONS

Commissioner of Patents and Trademarks,

Washington, D.C. 20231

JUL 1 9 2005

CFFICE OF PETITIONS

From:

Brian J. Pangrle (Tel. 509-324-9256; Fax 509-323-8979)

Customer No. 22801

PETITION

This petition is in writing, (37 CFR 1.2), includes a statement of the facts involved and the point or points to be reviewed and the action requested, (37 CFR 1.181(b)), and is timely filed, as required in 37 CFR 1.181(f), or as required in a specific statute or regulation.

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FACTS

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- 1. On May 17, 2005, Applicant mailed via USPS Express Mail a correspondence to the USPTO to Reopen Prosecution in Response to a BPAI Decision under 37 CFR §41.50(b) of March 17, 2005 (Attachments A-Paper as Filed, B-USPS & Post Card, C-USPS documentation).
- 2. The aforementioned two month time period was set according to 37 CFR §41.50(b) to reopen prosecution. Thus, Applicant mailed the Request to Reopen Prosecution on May 17, 2005. Therefore, Applicant submits that the correspondence was mailed in a timely manner.
- 3. During the week of July 3, 2005, Applicant had a teleconference with Examiner Sax who informed Applicant that the papers could not be located at the US Patent & Trademark Office. Applicant sent Examiner Sax two emails with copies of evidence on July 5, 2005 (Attachment D).
- The USPTO could not locate the correspondence mailed May 17, 2005, therefore, Applicant submits this Petition to have the correspondence considered as if it were properly received on May 17, 2005.

ACTION REQUESTED

- Applicant requests that the attached Request to Reopen Prosecution
 (Attachment A) be accorded a filing date of May 17, 2005.
- Applicant requests entry of the amendments in the attached Request to Reopen Prosecution.

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Conclusion

If any issues remain that prevent grant of this Petition and the Action Requested, the Office is urged to contact the undersigned attorney.

Respectfully Submitted,

Dated: 7-12-05

Brian Pangrle Reg. No. 42,973 (509) 324-9256

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ATTACHMENT A

REQUEST FOR REOPENING PROSECUTION AS FILED ON MAY 17, 2005

MSI-1074U\$CJ.Pesisto

EV549911765

PTO/SB/21 (06-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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		SIGNAT	URE OF APPL	LICANT, ATTORNEY, OF	AGENT	
Firm or Individual	Firm or Brian J. Pangrie/Reg. No. 42973					
Signature	Signature					
Date	Date May 17, 2005					
CERTIFICATE OF TRANSMISSION/MAILING						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 8ox 1450, Alexandria, VA 22313-1450 on the date shown below.						
Typed o	r printed name	Laurie Morgan		·		
Signatur	rė	Laur	L War	oin.	Date	May 17, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete his form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Contmissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 7/23 * RCVD AT 7/12/2005 7:39:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2738300 * CSID:509 323 8979 * DURATION (mm-ss):05-18

SUBMITTED BY

Name (Print/Type) Brian J. Pangrie

Signature

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PTQ/SB/17 (12-04)

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L		<u> </u>	Examiner Name		EVEN PAUL SAX	EEIOD AT RE E	<u></u>	
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Registration No. 42973

(Attorney/Agent)

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PAGE 8/23 * RCVD AT 7/12/2005 7:39:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2738300 * CSID:509 323 8979 * DURATION (mm-ss):05-18



Telephone (509) 324-9256

Date

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3	Filing Da	tion Number	9307
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4	Applicant	+ TT. '4	2174
5	Examiner	s Docket No	S. Sax
	Attorney's	s Docket NoMS1-1074	USC3
6	Title: Gr	raphical Method and System for Accessing information on a system for Accessing information on a	DEAE.
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	<u>F</u>	REQUEST TO REOPEN PROSECUTION IN RESPONSE TO	JUL 1 9 2005
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	From:	Brian J. Pangrle (Tel. 509-324-9256; Fax 509-323-8979) Customer No. 22801	
13		<u> </u>	
14		AMENDMENTS	
15			
"		Claims 3 and 9-12 were rejected by the BPAI under new grounds.	
16			_
17		Claims 4-8 were not rejected by the BPAI and are considered allowed	:d.
18		Claims 3 and 9-12 are currently amended and new claims 13-16 are	
19		added.	
20		•	
20		Claims 3-16 are pending and believed to be in condition for allowant	ce.
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24 25 3. (currently amended) A graphical interactive method for permitting a computer system to access a web site, the method comprising the steps of:

displaying a desktop icon on a desktop, said desktop icon associated with an address of the web site;

launching a web browser application in response to a user of said computer system selecting said desktop icon for execution, if said web browser application is not currently executing; and

accessing the web site using said web browser application and said address of the web site.

4. (previously presented) A graphical interactive method for permitting a computer system to access a web site, said method comprising the steps of:

displaying a desktop icon on a desktop, said desktop icon associated with a file containing information relating to the web site;

accessing the web site using an already executing web browser application and said address for the web, in response to a user of said computer system selecting said desktop icon for execution, wherein said web browser application is separate from said file.

5. (previously presented) A graphical interactive computer system for accessing a desired document located at a network location, comprising:

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24 25 means for displaying a desktop icon on a desktop, said desktop icon associated with a file containing a network address corresponding to the network location;

means for enabling a user of the computer system to interactively select said desktop icon for execution;

means for launching a web browser application in response to the user selecting said desktop icon for execution, if said web browser application is not currently executing, wherein said application is separate from said file; and

means for retrieving the desired document from the network location using said web browser application and said network address.

6. (previously presented) A graphical interactive method for permitting a first computer system to access a web site, said method comprising the steps of:

receiving a desktop icon associated with a file from a second computer system, said file containing an address corresponding to web site;

displaying the desktop icon on a desktop of the first computer system;

launching a web browser application in response to a user of the first computer system selecting said desktop icon for execution; and

accessing the web site using said web browser application and said address corresponding to the web site.

7. (previously presented) The method of claim 6, wherein said receiving step comprises receiving an e-mail from the second computer system, said e-mail including said desktop icon.

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9. (currently amended) One or more computer-readable media having computer-readable instructions thereon which, when executed by a programmable

step comprises receiving an internet message from the second computer system,

8. (previously presented) The method of claim 6, wherein said receiving

- device, if a web browser application is not currently executing, launch a the web browser application in response to a user of the programmable device selecting a desktop icon on a desktop for execution, the desktop icon associated with an address of a web site accessible by the web browser application.
- 10. (currently amended) A desktop icon for display on a desktop, said desktop icon associated with a web site wherein selection of the desktop icon launches a web browser application, if the web browser application is not currently executing, and causes the web browser application to access the web site.
- 11. (currently amended) One or more computer-readable media having computer-readable instructions thereon which, when executed by a programmable device in response to selection of a desktop icon displayed on a desktop, the desktop icon associated an address of a web site, launch a web browser application, if the web browser application is not currently executing, the web browser application capable of accessing the web site using the address.
 - 12. (currently amended) A graphical interactive system comprising:

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means for displaying a desktop icon on a desktop, said desktop icon associated with an address of a web site;

means for launching a web browser application, if said web browser application is not currently executing, in response to a user of said system selecting said desktop icon for execution; and

means for accessing the web site using said web browser application and said address of the web site.

13. (new) A graphical interactive method for permitting a computer system to access a web site, the method comprising the steps of:

displaying a desktop icon on a desktop, said desktop icon associated with an address of the web site; and

in response to a user of said computer system selecting said desktop icon for execution, accessing the web site using an already executing web browser application and said address of the web site.

- 14. (new) One or more computer-readable media having computer-readable instructions thereon which, when executed by a programmable device, use an already executing web browser application in response to a user of the programmable device selecting a desktop icon on a desktop for execution, the desktop icon associated with an address of a web site accessible by the web browser application.
- 15. (new) A desktop icon for display on a desktop, said desktop icon associated with a web site wherein selection of the desktop icon uses an already

executing web browser application and causes the web browser application to access the web site.

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16. (new) A graphical interactive system comprising:

means for displaying a desktop icon on a desktop, said desktop icon associated with an address of a web site;

means for using an already executing web browser application in response to a user of said system selecting said desktop icon for execution; and

means for accessing the web site using said web browser application and said address of the web site.

REMARKS

On March 17, 2005, a decision from the Board of Patent Appeals and
Interferences (BPAI) was mailed. A two month time period was set according to 37
CFR §41.50(b) to reopen prosecution. Thus, Applicant mails this Request to Reopen
Prosecution on May 17, 2005.

Per the decision, the BPAI reversed the Examiner's rejection of claims 3 through 12 and entered new grounds of rejection for claim 3 and 9-12 only. In response, to expedite allowance of the instant application, Applicant currently amends claims 3 and 9-12 while reserving the right to file one or more continuation applications directed to the rejected subject matter or other subject matter of the instant application. Applicant also adds new claims 13-16. Applicant respectfully submits that all claims are in condition for allowance.

Claims 3 and 9-12

The BPAI rejected claims 3 and 9-12 under 35 USC §103 as being obvious over NCSA Mosaic Version History (NCSA article) in view of Barnes, Guide to WINDOWSTM 3.1 (Barnes). As already mentioned, to expedite allowance of the instant application, Applicant amends claims 3 and 9-12 while reserving the right to file one or more continuation applications.

At pages 4 and 5, the BPAI decision recognizes that claims 4, 5 and 6 are narrower than in scope than claims 3 and 9-12. In particular, the BPAI decision states that claim 5 includes "launching a web browser application . . . if said web browser is not currently executing". Claims 3 and 9-12 are amended to include similar language. The NCSA article and Barnes do not address such situations nor

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do they suggest a need for such logic. Applicant submits that claims 3 and 9-12 are thus allowable over the NCSA article and Barnes.

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New Claims 13-16

At pages 4 and 5, the BPAI decision recognizes that claims 4, 5 and 6 are narrower than in scope than claims 3 and 9-12. In particular, the BPAI decision states that claim 4 includes "using an already executing web browser". New claims 13-16 include similar language. The NCSA article and Barnes do not address such situations nor do they suggest a need for such logic. Applicant submits that claims 13-16 are thus allowable over the NCSA article and Barnes.

Conclusion

Pending claims 3-16 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated:

By:_

Brian Pangrle Reg. No. 42,973 (509) 324-9256

ATTACHMENT B

USPS "TRACK & CONFIRM" EVIDENCE AND POST CARD

RECEIVED

JUL 1 9 2005

CFFICE OF PETITIONS

MSI-1074LISC3 Perilina



Home | Help

Track & Confirm

Search Results

Label/Receipt Number: EV54 9911 765U S Status: Delivered

Your item was delivered at 8:28 am on May 18, 2005 in ALEXANDRIA, VA 22313 to PATENT OFFICE . The item was signed for by S DYAR.

Additional Datails >) (Hamen to USPS con Home >

CFFICE OF PETITIONS

Track & Confirm

Enter Labal/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Ga>

PLL

Proof of Delivery

Verify who signed for your item by email, fax, or mail. (60>

POSTAL INSPECTORS Preserving the Trust

contact us government services jobs National & Premier Accounts Copyright @ 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

MS1-1074USC3

Microsoft Corporation

5/17/2005

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:

Scrial No.:

09/557,149

Filing Date:

4/25/2000

Title: "Graphical Method and System for Accessing Information on a Communications Network'

Inventorship: Steven J. Yohanan et al.

Transmittal

Fee Transmittal

Request to Reopen Prosecution in Response to BPA

Return Post Card

MW 1.7

LEE & HAYES, PLI

LEE & HAYES, PLIC (509) 324-9256

EV549911765

7/5/2005 http://trkenfrm1.smi.usps.com/PTSInternetWeb/InterLabelInquiry.do PAGE 18/23 * RCVD AT 7/12/2005 7:39:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2738300 * CSID:509 323 8979 * DURATION (mm-ss):05-18

RECEIVED

JUL 1.9 2005

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ATTACHMENT C

USPS RESPONSE TO REQUEST FOR DELIVERY INFORMATION JULY 5, 2005



Date: 07/05/2005

Dana Calhoun:

OFFICE OF PETITIONS

The following is in response to your 07/05/2005 request for delivery information on your Express Mail item number EV54 9911 765U S. The delivery record shows that this item was delivered on 05/18/2005 at 08:28 AM in ALEXANDRIA, VA 22313 to S DYAR. The scanned image of the recipient information is provided below.

PLL

Signature of Recipient:

OST OFFICE

Address of Recipient:

P.O. BOX 1450 Alexandria, VA 22313

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

RECEIVED

JUL 1 9 2005

CFFICE OF PETITIONS

ATTACHMENT D

EMAILS TO EXAMINER SAX JULY 5, 2005

Brian Pangrie

From:

Sent:

To:

Cc: Subject:

Attachments:

3rian Pangrle
Tuesday, July 05, 2005 10:35 Ministeve.sax@uspto.gov'
LHDocket
FW: MS#191614.04/MS1-1074USC3

669337-MS1-1074USC3-PostAppeal.DOC; 669476-Response as filed.pdf RECEIVED

JUL 19 2005

CFFICE OF PETITIONS

669337-MS1-1 669476-Respo USC3-PostAppe se as filed.pdf (.

Per our conversation on July 5, 2005. We will check with the US Postal Service for any details.

Sincerely, Brian Pangrle 42,973 Lee & Hayes, PLLC

----Original Message----

From: Laurie Morgan

Sent: Tuesday, May 17, 2005 1:28 PM

To: 'msdocket@microsoft.com' Cc: Brian Pangrle; LHDocket

Subject: MS#191614.04/MS1-1074USC3

Attached is the Response filed today in the above referenced matter.

Thank you,

Laurie

Lee & Hayes pllc, Intellectual Property Law 421 West Riverside, Suite 500, Spokane, WA 99201 | 509.323-8979 fax | www.leehayes.com

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JUL 1 9 2005

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Brian Pangrle

From:

Brian Pangrle

Sent:

Tuesday, July 05, 2005 11:07 AM

To:

'steve.sax@uspto.gov'

Cc: Subject: LHDocket RE: MS#191614.04/MS1-1074USC3

Attachments:

20050705110027.pdf



200507051100 27.pdf (66 KB)

Dear Examiner Sax,

Here's some more information. If we need to file a petition, we'll include this evidence. Perhaps you could let us know by Friday if the documents can be located, if not we'll just prepare the petition.

Sincerely, Brian Pangrle L&H

----Original Message----

From: Brian Pangrle

Sent: Tuesday, July 05, 2005 10:35 AM

To: 'steve.sax@uspto.gov'

Cc: LHDocket

Subject: FW: MS#191614.04/MS1-1074USC3

Dear Examiner Sax,

Per our conversation on July 5, 2005. We will check with the US Postal Service for any details.

Sincerely, Brian Pangrle 42,973 Lee & Hayes, PLLC

----Original Message-----

From: Laurie Morgan

Sent: Tuesday, May 17, 2005 1:28 PM

To: 'msdocket@microsoft.com' Cc: Brian Pangrle; LHDocket

Subject: MS#191614.04/MS1-1074USC3

Attached is the Response filed today in the above referenced matter.

Thank you,

Laurie

Lee & Hayes pllc, Intellectual Property Law 421 West Riverside, Suite 500, Spokane, WA 99201 | 509.323-8979 fax | www.leehayes.com

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